

Supplement A to Form I-485
Adjustment of Status Under Section 245(i)

Only use this form if you are applying to adjust status to that of a lawful permanent resident under section 245(i) of the Immigration and Nationality Act.

What Is the Purpose of This Form?

Section 245 of the Immigration and Nationality Act (the Act) allows the Attorney General, in his or her discretion, to adjust the status of an alien to that of a lawful permanent resident (LPR), in lieu of consular visa processing, while the alien remains in the United States. In order to be eligible, the alien must have been inspected and admitted or paroled, be eligible for an immigrant visa and admissible for permanent residence, have an immigrant visa immediately available and, with some exceptions, have maintained lawful nonimmigrant status. The alien must also not have engaged in unauthorized employment and must not be ineligible to adjust status under section 245(c) of the Act. **If you meet all of these requirements, you do not have to submit this form when applying for adjustment of status to that of LPR.**

Section 245(i) of the Act allows certain aliens to file for adjustment of status upon payment of a penalty fee of \$1,000, even though some of the conditions required by section 245(a) and (c) of the Act are not met. **Aliens in the United States who have an immigrant visa immediately available, but who entered the United States without inspection, remained in the United States past the period of admission, worked unlawfully, or are otherwise ineligible for adjustment of status under section 245(c) of the Act must submit this form along with Form I-485, Application to Register Permanent Residence or Adjust Status.**

NOTE: If you are applying to adjust as the spouse or unmarried minor child of a U.S. citizen or the parent of a U.S. citizen child at least 21 years of age, and if you were inspected and lawfully admitted to the United States, you do not need to file this form.

Who May Use Supplement A to Adjust Status to That of LPR Under Section 245(i)?

You may apply for adjustment of status to that of LPR under section 245(i) if you:

- are physically present in the United States when the application is submitted; and
- have an immigrant visa number immediately available; and
- are admissible to the United States for permanent residence; and
- are the beneficiary of an approvable-when-filed visa petition, or an application for labor certification filed on or before April 30, 2001; and
- pay a \$1,000 fee (unless exempted).

In addition, the alien must fall within one of the below categories:

- alien crewmen;
- aliens who work without authorization;
- aliens in unlawful immigrant status;
- aliens who fail to continuously maintain a lawful status since entry into the United States;
- aliens who were admitted in transit without visa;
- aliens admitted as nonimmigrant visitors under section 212(l) of the Act or under the Visa Waiver Program;
- aliens admitted as nonimmigrant described in section 101(a)(15)(S) of the Act; or
- aliens seeking employment-based adjustment of status who are not in lawful nonimmigrant status.

What Documentation Must You Include If You Are Submitting This Form With Form I-485?

You do not need to submit documentation in addition to the documentation required by the instructions to Form I-485 unless you are the beneficiary of a visa petition or application for labor certification properly filed on your behalf after January 14, 1998, and on or before April 30, 2001. **Aliens using section 245(i) because they are beneficiaries of a visa petition or application for labor certification filed after January 14, 1998, and on or before April 30, 2001, should submit documentation along with this form that demonstrates physical presence in the United States on December 21, 2000.**

What Documentation Demonstrates Your Physical Presence on December 21, 2000?

Documentation of your physical presence in the United States on December 21, 2000, can consist of federal, state or local government-issued documents or other documents establishing your physical presence on that date. If one document does not establish your physical presence, you should submit documentation establishing your physical presence in the United States prior to and after December 21, 2000. In some cases, a single document may suffice to establish the applicant's physical presence on December 21, 2000. In most cases, however, the alien may need to submit several documents, because most applicants may not possess documentation that contains the exact date of December 21, 2000. In such instances, the applicant should submit sufficient documentation establishing the applicant's physical presence in the United States prior to, and after December 21, 2000. If you submit affidavits, they should be accompanied by supporting documentation. The Immigration and Naturalization Service (INS) will evaluate all documentation on a case-by-case basis.

Who Does Not Need to Use Supplement A to Form I-485?

You do not have to submit Supplement A to Form I-485 if you:

- are already an LPR; or
- have continuously maintained lawful immigration status in the United States since November 5, 1986; or
- are applying to adjust status as the spouse or unmarried minor child of a United States citizen or the parent of a United States citizen child at least 21 years of age, and you were inspected and lawfully admitted to the United States.

In addition, you do not have to submit Supplement A to Form I-485, if you are filing for an immigration benefit other than adjustment of status to that of LPR or if you are applying for adjustment of status to that of LPR because you:

- were granted asylum in the United States; or
- have continuously resided in the United States since January 1, 1972; or
- entered as a K-1 fiancé(e) of a United States citizen; or
- have an approved Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, and are applying for adjustment as a special immigrant juvenile court dependent, or as a special immigrant who has served in the United States armed forces, or as a battered spouse or child; or
- are a special immigrant retired international organization employee or family member; or
- are a special immigrant physician; or
- are a public interest parolee, who was denied refugee status, and is from the former Soviet Union, Vietnam, Laos or Cambodia (a "Lautenberg Parolee" under Public Law 101-167); or
- are eligible under the Immigration Nursing Relief Act.

What Is the Filing Fee for the Supplement A to Form I-485 and Form I-485 Filed Together?

The total fee for this form when filed along with Form I-485 is:

\$ 255 Fee required with Form I-485

\$ 50 Fingerprint Service Fee. (Applicants younger than 14 or older than 79 do not have to pay this fee.)

\$ 1,000 Fee required with Supplement A to Form I-485

If you filed Form I-485 separately, attach a copy of your filing receipt and pay only the additional sum of **\$1,000**.

There are two categories of applicants who do not need to pay the **\$1,000** fee associated with Supplement A to Form I-485:

1. applicants under the age of 17 years; and
2. applicants who are an unmarried son or daughter of a legalized alien and less than 21 years of age or the spouse of a legalized alien, and have attached a copy of a receipt or an approval notice for a properly filed Form I-817, Application for Voluntary Departure under the Family Unity Program.

Where Should You File This Form?

You must file this form at the same location where you must file the related Form I-485.

What Are the Penalties for Perjury?

All statements contained in response to questions in this application are declared to be true and correct under penalty of perjury. Title 18 of the United States Code, Section 1546, provides in part:

Whoever knowingly makes under oath, or as permitted under penalty of perjury under 1746 of Title 28 of the United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit or other document containing any such false statement--shall be fined in accordance with this title or imprisoned not more than five years, or both.

What Is Our Authority for Collecting This Information?

We request the information on the form to carry out the immigration laws contained in Title 8 of the United States Code, Section 1154(a). We need this information to determine whether you are eligible for immigration benefits. This information you provide may also be disclosed to other Federal, state, local and foreign law enforcement and regulatory agencies. Furnishing this information on this form is voluntary. However, if you do not give some or all of the information, your application may be denied.

Paperwork Reduction Act Notice.

An agency may not conduct or sponsor an information collection and a person is not required to respond to an information collection unless it contains a currently valid OMB control number. We try to create forms that are accurate, can easily be understood and that impose the least possible burden on you to provide us with the information. Often this is difficult because some immigration laws are very complex. The public reporting burden for this information collection beyond the time to complete the parent form is estimated to average 13 minutes which includes learning about the form and understanding the instructions; collecting the necessary supporting documents; completing the form; and traveling to and waiting at a preparer's office (e.g., attorney or voluntary agency). If you have comments regarding the accuracy of this estimate or suggestions for making this form simpler, you can write to the Immigration and Naturalization Service, 425 I Street, N.W., Room 4034, Washington, DC 20536; OMB No. 1115-0053. **DO NOT MAIL YOUR COMPLETED APPLICATION TO THIS ADDRESS.**

Checklist.

- ☐ I have signed the form at Part E.
- ☐ I have included the appropriate fee (if any) as determined by Part D.
- ☐ If I checked box c or box d in question 1, Part A, I have included evidence of my physical presence in the United States on December 21, 2000.

Supplement A to Form I-485
Adjustment of Status Under Section 245(i)**Only use this form if you are applying to adjust status to that of a lawful permanent resident under Section 245(i) of the Immigration and Nationality Act.**

Part A. Information about you.				INS Use Only	
Last Name		First Name		Middle Initial	
Address: <i>In care of -</i>					
Street Number and Name				Apt #	
City		State		Zip Code	
A # (If any)		Date of Birth (MM/DD/YYYY)		Country of Birth	
Part B. Eligibility. (Check the correct response.)					

1. I am filing Supplement A to Form I-485 because:

- a. ☐ I am the beneficiary of a visa petition filed on or before January 14, 1998.
b. ☐ I am the beneficiary of a visa petition filed on or after January 15, 1998.
c. ☐ I am the beneficiary of an application for labor certification filed on or before January 14, 1998, and before April 30, 2001.
d. ☐ I am the beneficiary of an application for labor certification filed on or after January 15, 1998, and on or before April 30, 2001.

If you checked box c or d on question one, you must submit evidence demonstrating that you were physically present in the United States on December 21, 2000.**2. And I fall into one or more of these categories: (Check all that apply to you.)**

- a. ☐ I entered the United States as an alien crewman;
b. ☐ I have accepted employment without authorization;
c. ☐ I am in unlawful immigration status because I entered the United States without inspection or I remained in the United States past the expiration of the period of my lawful admission;
d. ☐ I have failed (except through no fault of my own or for technical reasons) to maintain, continuously, unlawful status;
e. ☐ I was admitted to the United States in transit without a visa;
f. ☐ I was admitted as a nonimmigrant visitor without a visa;
g. ☐ I was admitted to the United States as a nonimmigrant in the S classification; or
h. ☐ I am seeking employment-based adjustment of status and am not in lawful nonimmigrant status.

Part C. Additional eligibility information.**1. Are you applying to adjust status based on any of the below reasons?**

- a. You were granted asylum in the United States;
b. You have continuously resided in the United States since January 1, 1972;
c. You entered as a K-1 fiance'(e) of a United States citizen;
d. You have an approved Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, and are applying for adjustment as a special immigrant juvenile court dependent or a special immigrant who has served in the United States armed forces, or a battered spouse or child;
e. You are a native or citizen of Cuba, or the spouse or child of such alien, who was not lawfully inspected or admitted to the United States;
f. You are a special immigrant retired international organization employee or family member;
g. You are a special immigrant physician;
h. You are a public interest parolee, who was denied refugee status, and are from the former Soviet Union, Vietnam, Laos or Cambodia (a "Lautenberg Parolee" under Public Law 101-167); or
i. You are eligible under the Immigration Nursing Relief Act.

☐ **NO.** I am not applying for adjustment of status for any of these reasons. (*Go to next question.*)☐ **YES.** I am applying for adjustment of status for any one of these reasons. (*If you answered "YES", do not file this form.*)

Part C. Additional eligibility information (Continued).

2. Do any of the following conditions describe you?

- a. You are already a lawful permanent resident of the United States.
- b. You have continuously maintained lawful immigration status in the United States since November 5, 1986.
- c. You are applying to adjust status as the spouse or unmarried minor child of a United States citizen or the parent of a U.S. citizen child at least 21 years of age, and you were inspected and lawfully admitted to the United States.

☐ **NO.** None of these conditions describe me. *(Go to next question.)*

☐ **YES.** *If you answered "YES", do not file this form.*

Part D. Fees.

Aliens filing this form with Form I-485* need to pay the following fees:

\$ 255 Fee required with Form I-485 and

\$ 50 Fingerprint Service Fee. (Applicants younger than 14 or older than 79 years of age do not have to pay this fee.)

\$ 1,000 Fee required with Supplement A to Form I-485

If you filed Form I-485 separately, attach a copy of your filing receipt and pay only the additional sum of \$1,000.

There are two categories of applicants using this form who do not need to pay the \$1,000 fee:

- 1. applicants under the age of 17 years; and
- 2. applicants who are an unmarried son or daughter of a legalized alien and less than 21 years of age or the spouse of a legalized alien, and have attached a copy of a receipt or an approval notice showing that a Form I-817, Application for Voluntary Departure under the Family Unity Program, has been properly filed.

Part E. Signature. *Read the information on penalties in the instructions before completing this section.*

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit being sought.

Signature	Print Name	Date
------------------	-------------------	-------------

Part F. Signature of person preparing form, if other than above. *Read the information on penalties in the instructions before completing this section.*

I certify, under penalty of perjury under the laws of the United States of America, that I prepared this form at the request of the above person and that to the best of my knowledge the contents of this application are all true and correct.

Signature	Print Name	Date
Firm Name and Address	Daytime Phone Number <i>(Area Code and Number)</i>	
	Fax Number <i>(Area Code and Number)</i>	